

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
SOUTHWESTERN DIVISION**

| | | |
|---------------------------|---|----------------------|
| United States of America, |) | |
| |) | |
| Plaintiff, |) | ORDER |
| |) | |
| vs. |) | |
| |) | |
| Robert Manuel Martell, |) | Case No. 1:13-cr-018 |
| |) | |
| Defendant. |) | |

Defendant is in custody of the Attorney General awaiting sentencing. He is presently housed at the McLean County Jail in Washburn, North Dakota. On August 26, 2014, he filed a “Motion for Transport.” He seeks an order from the court directing the United States Marshal to transport him from the McLean County Jail to the Burleigh County Courthouse in Bismarck, North Dakota, by 9:00 a.m. on September 2, 2014, so that he can attend a State adopting hearing.

The Government filed a response to defendant’s motion on August 26, 2014, objecting to defendant’s request on the ground that he has not demonstrated that his presence at the adoption hearing is required.

The need for defendant’s presence at the adoption hearing is speculative at best. Further, there likely are other ways in which his testimony could be presented if needed, including possibly by video or telephone between the Burleigh County Courthouse and defendant’s place of incarceration—the McLean County Jail. Defendant’s Motion for Transport (Docket No. 181) is therefore **DENIED**.

IT IS SO ORDERED.

Dated this 27th day of August, 2014.

/s/ Charles S. Miller, Jr.
Charles S. Miller, Jr., Magistrate Judge
United States District Court